

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

RESPONDENT.

CAUSE NO. A- 1382

2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. On or about August 27, 1999, the Petition and Notice of Hearing were served upon the Respondent by mailing the same to her address of record by certified mail return receipt requested, as evidenced by Exhibit #6. They were returned to the Department on or about September 3, 1999, as not deliverable.

4. On or about September 23, 1999, the Petition and Notice of Hearing were served upon the Respondent by mailing the same to her address of record by certified mail return receipt requested, as evidenced by Exhibit #7. They were returned to the Department on or about October 7, 1999, as not deliverable.

5. On or about October 12, 1999, the Petition and Notice of Hearing and the Order Continuing Hearing were served upon the Respondent by mailing the same to her address of record and to another address obtained by the Department by certified mail return receipt requested, as evidenced by Exhibits #8 and #5. They were returned to the department on or about October 19, 1999 and November 1, 1999, as not deliverable.

6. On or about September 22, 1997, Respondent applied to the Department for a Nebraska non-resident insurance agent's license, as evidenced by Exhibit #3.

7. On the application, Respondent answered in the negative to question "C" which states, "Have you ever been convicted of or pled nolo contendere (no contest) to any misdemeanor or felony or currently have pending misdemeanor or felony charges filed against you?" which is evidenced by Exhibit #3.

8. Respondent was issued a non-resident insurance agent's license on or about October 21, 1999.

9. Respondent was convicted of "Larceny of Merchandise from a Retailer", as evidenced by Exhibit #10.

10. By not truthfully answering Question "C" on the license application, Respondent has obtained her non-resident's insurance agent's license through misrepresentation or fraud.

11. By not truthfully answering Question "C" on the license application, Respondent has not demonstrated trustworthiness and competency to transact business in such a manner to safeguard the public.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.

3. The Respondent violated Neb.Rev.Stat. §44-4028 (8),(11) and (13).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's insurance agent's license be revoked immediately. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

Dated this 22nd day of November, 1999.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

Linda R. Sanchez-More
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska vs. Susan A. Markley, Cause No. A-1382.

Dated this 22nd day of November, 1999.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent by certified mail return receipt requested and by first class mail at Box 13, Fiatt, IL 61433 and at P.O. Box 321, Cuba, IL 61427.

Stacey Billyperille